

THE RIGHT TO A COMPETENT ELECTORATE

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The practice of unrestricted universal suffrage is unjust. Citizens have a right that any political power held over them should be exercised by competent people in a competent way. Universal suffrage violates this right. To satisfy this right, universal suffrage in most cases must be replaced by a moderate epistocracy, in which suffrage is restricted to citizens of sufficient political competence. Epistocracy itself seems to fall foul of the qualified acceptability requirement, that political power must be distributed in ways against which there are no qualified objections. However, it is less intrinsically unjust than democracy with universal suffrage, and probably produces more just outcomes. Thus epistocracy is more just than democracy, even if not perfectly just.

I. INTRODUCTION

Many of my fellow citizens are incompetent, ignorant, irrational, and morally unreasonable about politics. Despite that, they hold political power over me. They can staff offices of great power and wield the coercive authority of the state against me. They can force me to do things I do not wish to do, or have no good reason to do.

As an innocent person, I should not have to tolerate that. Just as it would be wrong to force me to go under the knife of an incompetent surgeon, or to sail with an incompetent ship's captain, it is wrong to force me to submit to the decisions of incompetent voters. People who exercise power over me, including other voters, should have to do so in a competent and morally reasonable way. Otherwise, as a matter of justice, they ought to be excluded from holding political power, including the power to vote.¹ Modern democracies grant every adult citizen a legal right to vote. (Some democracies exclude some citizens, such as felons or the insane.) People were often restricted from voting for morally arbitrary reasons, such as skin colour or

¹ In my 'Polluting the Polls: When Citizens Should Not Vote', *Australasian Journal of Philosophy*, 87 (2009), pp. 535–49, I argue that incompetent citizens have moral obligations to refrain from voting, but not that incompetent citizens ought not to have the right to vote. This paper thus goes further and argues that citizens ought to be excluded from voting if incompetent.

sex. This practice was unjust. Still, even if many citizens were excluded for bad reasons, there might be good reasons to exclude many from holding power. As a parallel, it would be unjust to exclude citizens from driving because they are atheists. However, even if that law would be unjust, it would not follow that all restrictions on the legal right to drive would be unjust. So it might be with political rights as well. Democracies used to exclude citizens from holding power for bad reasons, but perhaps they should begin excluding citizens for good reasons.

In this paper, I argue on behalf of restricted suffrage. It is unjust to grant certain citizens the legal right to exercise political power over others. A form of epistocracy with restricted suffrage is morally superior to democracy with unconditional universal suffrage. Broadly speaking, a polity is epistocratic to the extent that knowledge and competence are legal requirements for holding political power. Plato advocated rule by philosopher kings, an extreme form of epistocracy. All modern democracies exclude children from voting and holding office, on the ground that children are incompetent. In that sense, all democracies are weakly epistocratic. In this paper, I argue for a moderate epistocratic position. In contemporary democracies, citizens should have to possess sufficient moral and epistemic competence in order to have the right to vote.

I am thus arguing for what one might call an *elite electoral system*. Elite electoral systems have political mechanisms similar to those found in contemporary democracies, but restrict electoral power to citizens who can demonstrate competence. Elite electoral systems are moderately epistocratic. However, I do not argue that a moderate epistocracy, or any kind of epistocracy, is the *most* or *ideally* just form of government. My goal is limited: all things remaining equal, in contemporary democracies, restricted suffrage would be a *moral improvement* over unconditional universal suffrage. That said, restricted suffrage might still itself be unjust – better than universal suffrage, but not good enough to qualify as just. Restricted suffrage ~~of~~ might be unjust, but *less unjust* than unconditional universal suffrage.

This paper proceeds as follows. In §II, I argue that universal suffrage is unjust because it violates the competence principle. The competence principle requires that when a decision is high stakes and involuntarily imposed through force upon others, it must be made by reasonable and competent people in a reasonable and competent way. In §III, I examine an argument purporting to show that restricted suffrage is unjust because it violates the qualified acceptability requirement. The qualified acceptability requirement requires that any basis for the distribution of political power must be justifiable to all qualified points of view. If the arguments of §§III–IV both succeed, then democracy with universal suffrage and an otherwise identical

regime with restricted suffrage are both unjust, each for different reasons. Democracy violates the competence principle, but epistocracy violates the qualified acceptability requirement. However, in §V, I argue that restricted suffrage is less intrinsically unjust than universal suffrage. In §VI, I argue that restricted suffrage would probably produce better consequences than democracy, though we do not know for sure. If so, then restricted suffrage would most probably be morally *superior* to universal suffrage in practice, even if neither system is *just*.

II. THE BASIC ARGUMENT FOR RESTRICTED SUFFRAGE

In this section, I argue that universal suffrage is unjust, because it violates a citizen's right not to be subject to high stakes decisions made by incompetent and morally unreasonable people. In later sections, I argue that restricted suffrage is morally superior to universal suffrage.

Philosophers and others sometimes assert that anyone subject to political power ought to have a say in how that power is wielded.² Granting citizens political power might to some degree reconcile them to their own government, as it reduces the degree to which government is an imposition upon them. However, the right to vote not only gives citizens a say over themselves, but also a say over other people. We have basic rights to govern and decide for ourselves, but no basic rights to govern or decide for others. We do not have any basic right to run other people's lives or to impose rules upon them.³

Democracy is, among other things, a particular kind of decision-making method. *Political* democracy is, among other things, a method for deciding when, how and in what ways a government will threaten people with violence in order to induce compliance with rules. To possess the right to vote is to possess some degree of political power, however small. This power is held over *others*, not just over oneself.

For anyone to be imbued with such power, however little power it is, cries out for justification. A democracy with a voting population of size n grants each citizen a *de jure* $1/n$ th of the total political authority. (I say '*de jure*' because the effective or *de facto* political power of citizens varies depending on circumstances. Obama and I have equal voting rights, but he has far

² See J. Waldron, 'Participation: the Right of Rights', *Proceedings of the Aristotelian Society*, 98 (1998), pp. 307–37, at p. 310.

³ See R. Arneson, 'The Supposed Right to a Democratic Say', in T. Christiano and J. Christman (eds), *Contemporary Debates in Political Philosophy* (Oxford: Wiley–Blackwell, 2009), pp. 197–212, and 'Democracy is Not Intrinsically Just', in K. Dowding *et al.* (eds), *Justice and Democracy* (Cambridge UP, 2004), pp. 40–58.

more effective political power than I have.) So, for instance, in a democracy of 3 citizens, each citizen holds *de jure* 1/3rd of the total power. For a large democracy, a 1/nth share of political power is quite small. Still, going from having 0 power to 1/nth power is morally significant. I can point to each of my fellow citizens and reasonably ask 'Why should *that guy* have 1/nth power over me? Who made that guy 1/nth my boss?'

Democracy with unconditional universal suffrage grants political power in a promiscuous way. In voting, an ignorant, misinformed, morally unreasonable or irrational citizen exercises political power over others, and this cries out for justification. In particular, it needs to be justified against an otherwise identical system in which politically incompetent and unreasonable citizens are excluded from voting.

The competence principle and the jury analogy

The basic rationale for restricted suffrage can be illustrated by analogy with a jury trial. In criminal cases, juries hold serious power over defendants. The jury's decision can significantly alter the defendant's life prospects, and inflict deprivation of property, liberty and life.

Here are three hypothetical juries.

1. *The ignorant jury*: the jury pay no attention during the trial. When asked to deliberate, they are ignorant of the details of the case, but find the defendant guilty anyway. After the trial, they admit they decided the case in this way (or we have some other strong source of evidence that this is how they made their decision).
2. *The irrational jury*: the jury pay some attention to the details of the case. However, they find the defendant guilty not on the basis of the evidence, but on the basis of wishful thinking and various bizarre conspiracy theories they happen to believe. After the trial, they admit they decided the case in this way (or we have some other strong source of evidence that this is how they made their decision).
3. *The morally unreasonable jury*: the jury find the defendant guilty, for being a Muslim; they are Christians who think Muslims pervert the Word of God. After the trial, they admit they decided the case in this way (or we have some other strong source of evidence that this is how they made their decision).

These juries lack authority and legitimacy. (A jury has authority over a defendant when the defendant has a moral obligation to abide by the jury's decision, *because* it is the jury's decision. A jury has legitimacy over a defendant when it is morally permissible for the government to enforce the jury's decision against the defendant.) Defendants who know they have been

subject to one of these juries would have no moral obligation to regard the decision as authoritative. It would be unjust for a government to knowingly enforce these decisions – enforcement would deprive a citizen of property, liberty, and/or life, for unacceptable reasons, on the basis of an improperly made decision.

In the case of jury trials, it is plausible that defendants have a right to a competent jury, expressed as follows.

The competence principle

It is unjust to deprive citizens of life, liberty or property, or to alter their life prospects significantly, by force and threats of force as a result of decisions made by an incompetent or morally unreasonable deliberative body, or as a result of decisions made in an incompetent and morally unreasonable way.

The competence principle disqualifies from jury service those who have sufficiently bad epistemic and moral character (even though such people might act competently in particular cases). It also disqualifies individual jury decisions (even if the jury overall has good epistemic and moral character) when these decisions are made badly. The principle implies that

- A. People of bad epistemic and moral character should not serve on juries
- B. When it is known that particular decisions were made incompetently (even if the decisions were made by people who are generally competent and reasonable), these decisions should not be enforced, and defendants have no duty to submit to them.

In short, the competence principle requires each decision of a certain sort to be made competently by competent people.

We could not justify enforcing an incompetent jury decision by showing that most juries are competent. The defendant can object that in this case the jury was not. We cannot deprive anyone of liberty, property or life because of an incompetent decision merely because *other* juries are competent.

We also could not justify enforcing an incompetently made decision even if the particular jury which decided the case generally is competent. Suppose the same panel of jurors hears 100 cases. They decide 99 cases in a rational, well informed and morally reasonable way, but in one case find the defendant guilty in an irrational, ignorant, misinformed and/or morally unreasonable way. We could not say to this defendant ‘Certainly the jury was incompetent in your case, but they were competent in the other cases. Thus we shall enforce their decision and you must submit to it.’ The defendant could object ‘It is fine that those juries did such a good job with all those

other trials, but this is *my* life and *my* freedom you are talking about. This jury has decided *my* case in an incompetent and unreasonable way.' The defendant's objection seems to me to be decisive.

The competence principle does not imply that juries have authority and legitimacy only when they make *correct* decisions. Instead, it claims that juries lack authority and legitimacy when they reach answers in unacceptable ways, regardless of whether their answers are correct or incorrect. The competence principle does not disqualify jury decisions on the basis of their substantive content. Instead, it disqualifies people from jury service because of their bad moral or epistemic character, and disqualifies individual jury decisions because of poor (or no) reasoning used in arriving at these.

The competence principle requires that deliberative bodies must be morally reasonable, and make decisions in a morally reasonable way. The term 'morally reasonable' does not mean that members of the deliberative body must have *correct* moral beliefs and act upon these beliefs. Rather, I mean to invoke an idea common to political philosophies within the tradition of political (or 'public reason') liberalism. Political liberals hold, among other things, that if reasonable individuals are permitted to exercise their reason, they tend to disagree about many basic matters of justice, morality and the good life.

Political liberals hold that there are reasonable disagreements about these issues, though not all disagreements are reasonable. Different liberals draw the line between reasonable and unreasonable in different ways. The competence principle requires that deliberative bodies must be reasonable and make decisions in a morally reasonable way, whatever the correct account of moral reasonableness is. I shall not advance any particular theory of the distinction here. For the purposes of this paper, I use the term 'morally reasonable' as a variable, to be filled in by the truth, whatever that is.

The competence principle may seem plausible on its own. However, arguments can be adduced in support of it. One justification for the competence principle is that it is unjust to expose people to undue risk. In the cases above, the jury members are acting negligently towards the defendant. From the defendant's point of view, a jury's decision is momentous, and the outcome is imposed involuntarily. In those kinds of cases, a jury has an obligation to take adequate care in making its decisions.

There are parallel cases. I have severe bronchitis. My physician consults a witchdoctor for treatment advice. The witchdoctor burns some animal fat, then tosses in some alphabet soup, and reads the patterns of letters. By chance, the letters spell out a drug which my physician then prescribes to me. Regardless of whether the drug ends up being the right drug (e.g., prednisone) or the wrong one (e.g., monoxidine), the physician has done

something wrong, using a highly unreliable decision method to arrive at the prescription. Use of this method puts me at serious risk of harm. If the physician had the power to *force* me to take the drug (as juries have the power to force their decisions upon defendants), this would be intolerable.

To some degree, the United States attempts to abide by the competence principle with regard to jury decisions. Potential jurors are selected at random from all adult citizens within a geographic area. However, individual jurors are sometimes disqualified because they exhibit bias or certain kinds of incompetence. In law, because criminal convictions can deprive defendants of property, liberty and (sometimes) life, defendants are entitled to a fair trial by an impartial jury. After a trial, if it becomes known that the jury made its decision in a corrupt or incompetent way, as in the three cases above, this can be a legal ground for overturning the jury's decision.

Applying the competence principle to government

The competence principle has a broad scope of application. It does not merely apply to jury decisions.

Democratic governments, like juries, also can deprive citizens (and others) of property, liberty, and life. Indeed, they often do. Democratic governments can impose policies that significantly alter citizens' life prospects for the worse. If defendants are entitled to competent juries, there might be similar reasons to hold that citizens are entitled to competent governments.

If a police officer, judge or politician makes a capricious, irrational, or malicious decision, a citizen cannot walk away. In general, the citizen may choose either to submit to the decision, or be penalized (through coercion) for non-compliance. (Sometimes, if lucky, one can obtain a remedy after the fact.)

Governments do more than choose flag colours and melodies for national anthems. They make policies and choose courses of action that can have momentous and even disastrous consequences for citizens. For example, if a central bank or treasury pursues bad monetary policies, and if the government imposes high trade barriers, this can push a recession into a deep depression. If military leaders inflate or misrepresent the evidence given to them by intelligence agencies, this can induce a costly, destructive and inhumane war.

Governmental decisions tend to have two crucial features:

1. The outcomes of decisions are imposed involuntarily through violence and threats of violence. Citizens and others within the government's domain are forced to comply, even if they have excellent grounds for non-compliance, and even if they know that the decisions were made incompetently.

2. Governmental decisions tend to be of major significance. They can significantly alter the life prospects of citizens, and deprive them of life, liberty, and property.

In the light of (1) and (2), citizens may demand competence from government officials and decision-makers as a matter of right. Unfortunately, this right is often and perhaps almost always unenforceable, but to possess a right does not require that it is enforceable. After all, when Hitler and Stalin murdered millions of people, we would say that Hitler and Stalin thus violated their rights to life, even though these people lacked effective enforcement of these rights. To say that citizens may demand competence from government officials and decision-makers as a matter of right is to say that, *prima facie*, incompetent decision-making or having decisions made by incompetent people is unjust.

The competence principle applies not merely to juries, but to others who hold political power, such as the police, bureaucrats and ministers, judges, and politicians holding public office. To some degree, in practice, governments attempt to abide by the competence principle. Many positions of power require certain qualifications from applicants in order to obtain that power. We do not make just anyone a police officer, nor can just anyone run the Fed. Judges must have law degrees, and even politicians are often subject to requirements. These requirements are imposed to eliminate gross incompetence.

Applying the competence principle to the electorate

In democracies, the ultimate holders of power are voters. Generally, voters determine how political offices will be staffed. Voters choose rulers, who then wield the coercive power of the state against innocent citizens, including citizens who justifiably oppose the state's actions. If voters choose badly, the consequences can be dire.

We should not underestimate the damage bad voting can do. Bad voting can be and has been disastrous. Even if in the US or the UK disastrous candidates rarely have a chance of winning, we should not forget that many disastrous candidates have been elected to power in other parts of the world. The voters who put the National Socialists in power in Germany in 1933 cannot be held responsible for everything their government did. But much of what their government did was foreseeable by any reasonably well informed person, and so their supporters were blameworthy.

Despite bad voting, we might still get good policies, and we might get bad policies despite good voting. Still, voting does make a difference. In general, the lower the epistemic and moral quality of the electorate, the

worse governmental policies tend to be. Low-quality electorates tend to make worse choices at the polls: they are worse at selecting good leaders, and tend to choose worse policies during referenda. Having a low-quality electorate also tends to reduce the quality of the candidates who appear on the ballot. A low-quality electorate rigs the quality of an election's results downwards even before the election takes place.

The competence principle applies equally well to the electorate as to juries. Here are three hypothetical electorates:

1. *The ignorant electorate*: the majority of voters pay no attention to the details of the election, or the issues at stake. During the election, they choose a particular candidate at random. They admit they decided the election in this way (or we have some other strong source of evidence that this is how they made their decision).
2. *The irrational electorate*: the majority pay some attention to the details of the election and the issues at stake. However, they vote not on the basis of evidence, but on the basis of wishful thinking and various disreputable social scientific theories they happen to believe. They admit they decided the election in this way (or we have some other strong source of evidence that this is how they made their decision).
3. *The morally unreasonable electorate*: simply out of racism, the majority choose a white candidate rather than a black candidate. They admit they decided the election in this way (or we have some other strong source of evidence that this is how they made their decision).

Suppose, in each of these cases, the majority does not represent everyone in society. For instance, there might be some well informed, rational and morally reasonable minority voters, or there may be innocent non-voters, such as children or resident aliens. If so, then majority voters have done something deeply unjust: they have imposed a ruler on innocent people without having adequate grounds for the decision. (Moreover, if voters tend to be ignorant, irrational or morally unreasonable, this not only tends to result in bad choices at the polls, but also tends to make it the case that the candidates printed on the ballot are of lower quality in the first place.)

The governed have a right not to be exposed to undue risk in the selection of policy or of rulers who will make policy. When elections are decided on the basis of unreliable epistemic procedures or on the basis of unreasonable moral attitudes, this exposes the governed to undue risk of serious harm. Since the governed are *forced* to comply with the decisions of the electorate, negligent decision-making is intolerable. The electorate has an obligation to the governed not to expose them to undue risk.

This concludes the basic argument for restricted suffrage. When high stakes decisions are imposed upon innocent people, the competence principle requires every individual decision to be made competently and reasonably by competent and reasonable people. It applies not merely to jury decisions, but to any significant decision made by those holding political power.

Someone might object that there is a gap between claiming (a) that the electorate (as a whole) must be competent and make competent decisions, and (b) that individual voters who form the electorate must be competent and make competent decisions; thus the competence principle only requires that the electorate as a collective body makes its decisions competently, but this does not imply that individual voters must be competent.

One form of this objection might hold that the electorate, as a collective body, tends to make excellent choices even if many or most of the voters are incompetent. There are certain mathematical models in which democracies can nearly always be expected to make good decisions, even though the majority of voters are incompetent. For example, the ‘miracle of aggregation’ is alleged to show that when a large electorate is composed almost entirely of ignorant voters but has a small minority of informed voters, it makes the same decisions as an electorate composed entirely of informed voters. However, most democratic theorists now hold that those mathematical models, however interesting, do not apply to real democracy.⁴ I shall not discuss them further here. **You may stop here. The rest is optional.**

One might also object that the electorate as a whole has power, but individual voters do not, and so the competence principle does not apply to individual voters. I shall not respond to this objection at length here, though the conceptual space seems worth exploring. I shall just note some quick responses to the objection.

First, the objection seems to confuse or conflate *consequential significance* with *political power*. The right to vote does seem to be a kind of political power. Neither my vote nor David Duke’s vote can be expected to change the outcome of any election, nor do our votes have significant expected utility or disutility. However, in virtue of having the right to vote, each of us still holds a kind of status. We are authorized, in conjunction with others, to make fundamental political decisions. Anyone who claims otherwise, that holding the right to vote is not an exercise of political power, seems to be committed to the view that restricting suffrage would not disempower anyone.

⁴ For criticisms of applying the miracle of aggregation to real democracy, see S. Althaus, *Collective Preferences in Democratic Politics: Opinion Surveys and the Will of the People* (Cambridge UP, 2003); B. Caplan, *The Myth of the Rational Voter* (Princeton UP, 2007); Brennan, *The Ethics of Voting* (Princeton UP, 2011), pp. 169–75. For a discussion of why Condorcet’s jury theorem does not apply to real democracies, see D. Estlund, *Democratic Authority* (Princeton UP, 2008), ch. 11.

Secondly, in the case of juries, we would have difficulty accepting this objection. Suppose a jury of 12 finds a black defendant guilty. After the conviction, we discover that 5 of the jury members are rabid racists, but 7 are morally reasonable people. This would undermine the jury's authority.

The inconsequentiality of individual votes is one reason why the electorate as a whole violates the competence principle as often as it does. Voters, regardless of whether they have selfish or altruistic motives, have little incentive to be well informed about politics, or even to form their political beliefs in a rational way. Voters are rationally ignorant, and perhaps even rationally irrational. The costs of gathering relevant information and processing this information in an epistemically rational way outweigh the expected benefits of voting well (regardless of whether one has altruistic or selfish motives). The inconsequentiality of individual votes gives voters the incentive to be irresponsible. In the light of this, to enforce the competence principle might require us to screen out individual incompetent voters.⁵

So far, I have argued that universal suffrage, as practised in contemporary democracies, is unjust because it violates the competence principle. Democratic systems of government, in practice, use threats of violence to subject innocent people to the political power held by incompetent and morally unreasonable decision-makers. They are to that extent unjust. I have not yet made any positive policy proposals in the light of this point.

III. OBJECTIONS TO RESTRICTED SUFFRAGE

The competence principle is not the sole principle by which to judge the distribution of political power. At best, it provides a necessary, but not sufficient, condition for the allocation of power. There may be other deontological principles restricting or determining the allocation of power. Some ways of distributing power tend to produce better (including more just) political outcomes than others. Presumably the consequences of different allocations of power matter as well.

Thus I have not yet argued that other things being equal, restricted suffrage is morally superior to universal suffrage. That is, I have not yet shown that some form of epistocracy would be morally better than an otherwise identical, more democratic alternative. Universal suffrage is morally

⁵ In passing, I shall note that empirical work on voter behaviour suggests that voters tend to be altruistic but badly informed when their votes do not count for much, yet tend to become more selfish and better informed in rare cases when their votes do count for much. See, e.g., T. Feddersen *et al.*, 'Moral Bias in Large Elections: Theory and Experimental Evidence', *American Political Science Review*, 103 (2009), pp. 175–92.

objectionable because it violates the competence principle. Yet restricted suffrage might *also* be morally objectionable for other reasons. Perhaps restricted suffrage violates some other principle of justice. Perhaps unconditional universal suffrage and restricted suffrage are both *pro tanto* objectionable and unjust. If so, then morality might require a third alternative to both ways of allocating power, or if there is no feasible or acceptable third alternative, to pick the better of the two systems.

In this paper I shall not try to determine if there are alternative political systems (or anarchic systems) that are superior both to democracy with universal suffrage and to elite electoral systems with restricted suffrage. (For instance, another response to the problem of democratic incompetence is to limit the *scope* of democratic control greatly, by enshrining many political matters in a constitution, beyond the reach of democratic majorities.) Instead, in this section, I shall examine an argument purporting to show that restricted suffrage is unjust. In the two sections following this, I shall argue that even if restricted suffrage is unjust, it is *less* unjust than universal suffrage. If we had to choose the lesser of two evils, then we should choose restricted suffrage.

I do not have the space here to respond to every interesting objection to restricted suffrage. Democratic theory is a large subfield of political philosophy and political theory. Most democratic theorists support rather than reject universal suffrage, and most theorists have their own particular arguments in favour of democracy with universal suffrage. I cannot engage the entire field here. The best I can do is advance a strong criticism of universal suffrage, and then respond to some of the best criticisms of restricted suffrage.

So in this section I shall consider an objection from David Estlund in his recent book *Democratic Authority*. There are two main reasons to consider his objection, as opposed to objections from someone else. First, Estlund himself has articulated a set of objections which undermine a wide range of theories defending democracy. Secondly, he accepts many of the same basic premises as I do, and so it is worth noting why he does not reach the same conclusions.

On the first point: many (maybe most) democratic theorists offer *proceduralist* defences of democracy. They support universal suffrage because they think it is the only fair decision-making method. Estlund has powerful objections to these proceduralist justifications: 'the idea of procedural fairness ... is too thin and occasional a value to explain, without any appeal to procedure-independent standards of good outcomes, the moral significance of democracy'.⁶ He argues that making decisions by coin flips or random

⁶ Estlund, 'Replies to Saunders, Lister, and Quong', *Representation*, 46 (2010), pp. 53–67, at p. 53.

lottery is equally fair in principle as making decisions by democracy with universal suffrage. I would add that in practice, coin flips are certainly more fair than democracy with universal suffrage, since coin flips are less subject to rent-seeking, manipulation, corruption and demagoguery than democratic voting procedures. Estlund concludes that we cannot justify democracy by invoking the notion of fairness. The goal of keeping procedures fair does not uniquely select democracy in preference to other alternative decision-making methods. Here I shall put proceduralist defences of universal suffrage to one side for the reasons which Estlund specifies.

On the second point: Estlund accepts many of the same premises as I do. He believes that democracies can make better or worse decisions, that democracies sometimes make immoral or stupid decisions, that some citizens are much more competent than others, that some citizens are morally unreasonable, that people have no natural right to rule or hold political power, that part of the justification for any political system is the quality of the policies it implements, and that the quality of political decisions could be improved (perhaps greatly) by restricting suffrage. One might expect that Estlund would thus be in favour of restricted suffrage, but in fact he favours universal suffrage. He accepts many of my basic premises, but does not think these premises can justify restricted suffrage. In this respect, he is a strong challenger to the position I take here.

One reason I zig where Estlund zags is that my project is different from his. Estlund wants to explain how democracy, under the right conditions, could be fully just. He admits that these right conditions might be rather ideal, and that it might require much more from voters than they in fact are likely to give.⁷ So even if Estlund's theory of democratic legitimacy is correct, it might not justify any actual democracies, since it might turn out that no actual democracies meet the conditions under which democracy is fully justified. If so, then we would need to do non-ideal theory, a theory of the second-best, to know what institutions to advocate when the best institutions are infeasible. Estlund is largely silent about these issues (see, e.g., p. 265). In contrast, in this paper, I am working in non-ideal theory. Between two feasible, but imperfect and unjust political systems, I want to determine which is preferable.

Estlund (p. 30) claims that defences of epistocracy typically rest upon three tenets: a truth tenet, a knowledge tenet, and an authority tenet.

⁷ *Democratic Authority*, ch. 14, 'Utopophobia: Concession and Aspiration in Democratic Theory', explains why Estlund thinks his normative project is not threatened if the system he advocates turns out to be infeasible. He admits (p. 275) that he is not giving a theory of the second-best, but here I am giving a theory of the second-best.

1. *The truth tenet*: there are correct answers to (at least some) political questions
2. *The knowledge tenet*: some citizens know more of these truths than others
3. *The authority tenet*: when some citizens have greater knowledge, this justifies granting them political authority over those with lesser knowledge.

He thinks we should accept the truth and knowledge tenets. Some democratic theorists reject these tenets, but their reasons for doing so are deeply implausible. Instead, Estlund says, we should reject the authority tenet. The authority tenet commits what he calls the ‘expert/boss fallacy’. To commit the expert/boss fallacy is to think that being an expert is sufficient reason for one person to hold power over others. But possessing superior knowledge is not sufficient to justify having *any* power, let alone greater power than others. We can always say to the experts ‘You may know better, but who made you boss?’. For example, a nutritionist may not compel me to conform to a diet, even if in possession of the knowledge that the diet would be good for me. You may not force me to listen to the newest Celine Dion album, even if you have indisputable proof that I would love it. And so on.

However, the argument I am making for epistocracy does not rest upon the authority tenet, but instead on an *anti*-authority tenet.

- 3*. *The anti-authority tenet*: when some citizens are morally unreasonable, ignorant or incompetent about politics, this justifies *not granting* them political authority over others.

The competence principle is a version of this anti-authority tenet. While the authority tenet specifies qualifications for holding power, the anti-authority tenet specifies disqualifications. By saddling epistocrats with the authority tenet, Estlund makes the case for epistocracy seem more difficult than it really is. Epistocrats need not argue that experts should be bosses: they need argue only that those with little expertise should not be bosses. The competence principle does not say that experts should be bosses; it says that incompetent and unreasonable people should not be imposed upon others as bosses. The competence principle leaves it open whether we should have bosses at all, and what the grounds would be for making some people bosses. Since my argument does not rest upon the authority tenet, I do not commit the expert/boss fallacy.

However, Estlund has another argument against epistocracy. He agrees with me (p. 262) that ‘removing the right issues from democratic control and turning them over to the right experts would lead to better political

decisions, and more justice and prosperity'. Yet he adds 'The trick is knowing, and publicly justifying, which experts to rely on for which issues'. He does not think we can pull this trick off.

Estlund thinks restricted suffrage violates a principle of justice which he calls the *qualified acceptability requirement*. The qualified acceptability requirement is that any basis for distributing political power has to be acceptable to all qualified points of view.⁸ This principle, or something like it, is widely accepted by liberal political philosophers. (I accept it, too.) In fact, some version of it is a central or defining feature of liberal political philosophy.

How might an elite electoral system (which forbids the incompetent from holding power) violate the qualified acceptability requirement? In an attempt to satisfy the competence principle, suppose we keep current institutions in modern democracies more or less the same, but instantiate restricted suffrage. One way in which we might do this would be by imposing a voter qualification exam, akin to a driver exam, which tests generally relevant basic social science and basic knowledge about the candidates. The purpose of the exam would be to exclude badly incompetent citizens from voting, by screening out citizens who are badly misinformed or ignorant about the election, or who lack the social scientific expertise to evaluate a candidate's proposed policies.

A written voter exam is not the only way to attempt to enforce the competence principle. I can think of other ways, but most of them are either prohibitively costly or unrealistic. So I discuss voter exams here because they are one obvious way to attempt to enforce the competence principle.

Estlund claims that disqualifying some citizens from power on the basis of any such exam would violate the qualified acceptability requirement. Every reasonable person could accept that there is a distinction between competent and incompetent people, and competently and incompetently made decisions. However, we cannot expect all reasonable people to agree on where the line should be drawn between competence and incompetence. (That does not mean that there is no truth of the matter of how to draw the line, but merely that this truth will not be agreed upon by all the people whose opinion matters.) Almost any way of drawing the line will in practice be subject to an objection from someone with a qualified point of view. There is no easily identifiable criterion for distinguishing competent people from incompetent people which would be acceptable to all qualified points of view. Restricted suffrage would divide citizens into two classes, those fit to

⁸ 'No one has authority or legitimate coercive power over another without a justification that could be accepted by all qualified points of view': Estlund, p. 33. He does not specify which points of view are qualified and which are not, but he means that there is some unspecified range of views to which political authority must be justified.

rule and those not fit to rule, on a basis which not all reasonable people could accept. It is thus unjust to use competence as a basis for assigning political power.

I shall now outline a number of reasons, some Estlund's, some my own, to think that distributing power on the basis of a voter competence exam in particular would violate the qualified acceptability requirement. For instance, some reasonable people could object that the exam is imperfect: someone might be a competent voter despite being unable to pass the exam. The exam might deliver too many false negatives. Suppose Sally does not know anything about the candidates herself, but she knows her clever and reasonable sister endorses certain candidates. If Sally knows her sister has good credentials, then the fact that her sister prefers a candidate might be sufficiently strong evidence for Sally to believe the candidate is good. That might be enough to make her a competent voter. However, we cannot easily test for this kind of competence.

A voter exam would also weigh different pieces of knowledge in a way which not all people can accept. For instance, suppose there are two candidates for the next election. Suppose *A* would undermine civil liberties but help spur economic growth; *B* would protect civil liberties but cause a recession. Now, suppose the exam disqualifies some voters because they do not have a basic grasp of economics. Economic knowledge is relevant to almost any election, so there are good grounds for placing it on the exam. However, a reasonable person might believe that candidate *A* is so much worse than candidate *B* on civil liberties that for this particular election, knowledge of economics is not needed. If a reasonable person could believe this, then I suspect Estlund would claim that we may not use ignorance of economics as a basis for disqualifying citizens from holding power in this case.

Voter exams might also be subject to what Estlund (p. 215) calls *the demographic objection*:

The ... portion of the populace [that can pass the voter exam] may disproportionately have epistemically damaging features that countervail the admitted epistemic benefits of [having the knowledge required by the exam].

(His original objection was to Mill's plural voting scheme (which would grant extra votes to the well educated), but I have modified it for use here.) I shall refer to the segment of the population that can pass the voter exam as the 'restricted electorate'. It might turn out that the members of the restricted electorate disproportionately belong to one gender, race or class. Estlund (p. 20) thinks, and I agree, that this by itself is not necessarily objectionable. (We agree that no one has a basic right to rule, and it is not

inherently just that members of all demographic groups have equal rights to rule.) However, a reasonable person could worry that the restricted electorate, despite being measurably more competent than the general population, might possess certain latent or unseen biases, prejudices or cognitive failings, and thus that if the restricted electorate alone is given power, it will make even worse choices than the general population would under universal suffrage. The demographic objection does not assert that a restricted electorate would in fact make worse choices than an unrestricted electorate. On the contrary, it would probably make better choices. Estlund contends, however, that a reasonable person *could* worry that the restricted electorate would make systematically worse choices. We cannot definitively show this worry to be ungrounded. This is enough, Estlund thinks, to show that restricted suffrage cannot pass the qualified acceptability requirement.

This summarizes Estlund's objections to restricted suffrage. If I wanted to argue that epistocracy could be perfectly just, I would have to refute these objections, and try to show that epistocracy can in principle pass the qualified acceptability requirement. However, all I aim to do in this paper is to show that universal suffrage is morally *worse* than a certain kind of restricted suffrage. So for the sake of argument I shall accept here that restricted suffrage is unjust and morally objectionable for the very reasons Estlund specifies. (In fact I think these objections can be overcome, but to demonstrate this is a larger project.)

Suppose I am right about the competence principle and what it implies, and suppose Estlund is right about the qualified acceptability requirement and what it implies. If so, then we can conclude

- A. Democracy (in practice) is unjust because it violates the competence principle
- B. An elite electoral system, in which voting rights are restricted to those who can demonstrate competence, would (in practice) be unjust because it would violate the qualified acceptability requirement.

A democrat might object that we can at least imagine a democracy in which all citizens are known to be competent and reasonable, and to make all decisions competently and reasonably. In practice, we cannot expect this, but at least we can tell a coherent science-fiction story in which a democracy does not violate the competence principle? Perhaps, but we can also imagine a coherent science-fiction story in which a voter exam is devised to which no reasonable person could object. That is, we can also imagine an epistocracy that does not violate the qualified acceptability requirement, though we cannot expect this in practice. So democracy and epistocracy are in the same boat. In their most ideal forms, they would not be subject to the objections

which I have presented here, but in their realistic forms they would be subject to these objections.

IV. CHOOSING THE LESSER INJUSTICE

Suppose, for the reasons specified above, that democracy with universal suffrage and an elite electoral system with restricted suffrage are both unjust. Suppose for some reason we had to choose one or the other; we cannot choose a more just third alternative. Which one should we choose?

The kind of epistocracy I am envisaging has two advantages over democracy:

1. Epistocracy violates the qualified acceptability requirement, while democracy violates the competence principle; however, the way in which democracy violates the competence principle is intrinsically worse than the way in which epistocracy violates the qualified acceptability requirement
2. Keeping all other institutions the same, restricted suffrage will produce better policies, policies that are more just and better able to achieve prosperity and various humanitarian goals.

In this section I shall defend point (1); in the next I shall defend point (2).

Violating the competence principle means putting citizens' lives, liberty and property, by force, in the hands of unreasonable and incompetent people. We are accustomed to this practice, but for the reasons I specified above, it is objectionable. We would not tolerate this in jury trials. I hope that readers will see the parallel between democracies and juries, and recognize that incompetent decision-making in politics is as unjust (sometimes more, sometimes less) as it is in jury trials. Unfortunately, I am fighting an uphill battle. Most readers were no doubt taught as young children that democracies and universal suffrage are especially just. Though the arguments elementary school teachers and parents gave were not particularly good – if they were, democratic theorists would have little work to do – most readers were still trained to have positive emotional responses to democracy. (Similarly, British subjects in 1550 would have been trained to have positive emotional responses towards their monarch, and so anyone arguing the virtues of democracy to them fought an uphill battle as well.) I cannot expect readers to feel the same moral revulsion towards incompetent democracies as they do towards equally incompetent juries, even in specific cases where the stakes and outcomes are the same. Still, I hope they can see the analogy, as far it goes, and it goes pretty far.

Suppose no voter examination system could pass the qualified acceptability requirement. No matter what system we devise to separate competent and morally reasonable from incompetent and unreasonable citizens, there are some qualified objections to that system. If we use an exam to exclude citizens, how bad must this injustice be? Well, it depends. It depends on how good our exam is, and on how good the evidence is which we can provide that the exam is a good one. The better we can show that the exam tracks the real difference between competence and incompetence, the less objectionable the exam is. After all, if we had indisputable evidence that the exam tracked the real distinction, then no reasonable person could object to it, and it would pass the qualified acceptability requirement.

If we want to determine how intrinsically unjust a voter examination system would be, we can compare it with extant laws excluding citizens from voting. In fact, most democracies already exclude some citizens from voting because they hold that some citizens are incompetent to vote. The specific criteria democracies actually use to separate the competent from incompetent are not justifiable to all qualified points of view.

Most democracies have voting-age laws. They require citizens to reach a certain age before being allowed to vote. The main justification for this practice is that children are not competent to rule. However, voting-age laws fail to satisfy the qualified acceptability requirement, for the same reasons as those for which a voting exam fails.

Every reasonable person can accept that children tend to be incompetent to vote, and that most adults could vote competently if only they put in the effort. Every reasonable person can accept that the (gradual) transition from incompetence to potential political competence tends to occur in late adolescence. However, voting-age laws do not track this transition perfectly. Instead, they draw a bright red line that separates all citizens into voters and non-voters, rulers and ruled, regardless of those citizens' individual abilities. In some countries, the voting age is sixteen; in others, eighteen. Voting-age laws separate citizens into classes of rulers and ruled on the basis of specific distinctions that are not justifiable to all qualified points of view. Unless we set the voting age extremely low (such as age 2, so that we do not exclude child prodigies), then some reasonable person could object to the laws. This way of distributing political power fails the qualified acceptability requirement.⁹

A reasonable person could also raise Estlund's demographic objection against voting age laws. One might worry that adults over 18, despite being

⁹ See, e.g., S. Olsson, 'Children's Suffrage: a Critique of the Importance of Voter Knowledge for the Well-being of Democracy', *International Journal of Children's Rights*, 16 (2008), pp. 55–76.

measurably more competent than children under 18, might possess certain latent or unseen biases, prejudices or cognitive failings, and that an electorate limited to citizens over age 18 would make even worse choices than the general population would if everyone, including children, were allowed to vote. (For instance, older adults have an incentive to leave their children with unjustifiably large public debts.) I do not claim that an electorate composed only of adults would in fact make worse choices than an unrestricted electorate that includes children. Rather, I am merely claiming that a reasonable person *could* worry that an older electorate would make systematically worse choices. Estlund made this kind of argument against other proposed grounds for epistocracy, but it applies here as well.

Voting age laws are to that extent unjust. I am not kidding: it really is an injustice that certain seventeen-year-olds are declared incompetent to vote, especially when former Ku Klux Klan grand wizard David Duke is declared competent. Still, this is not a *horrible* injustice, as injustices go. The voting age laws do a decent job tracking an important moral distinction. Eventually, underage citizens can acquire the right to vote just by getting older. Voting age laws are problematic because they draw an artificial bright red line between the competent and incompetent in a way reasonable people could object to. But this is what a good voting exam would do as well.

A properly administered voting examination system would be approximately as unjust as these voting age laws. It would attempt to track a morally important distinction which all reasonable people could accept, but would do so imperfectly, in a way which not all reasonable people could accept. Estlund (p. 37) worries that 'Under unequal suffrage, some people are formally and permanently subject to the rule of certain others'. On the contrary, a good system of voter examinations would not permanently exclude any individuals from holding power (except perhaps for the severely mentally disabled). In general, anyone could qualify to be a voter, if prepared to put in sufficient effort. A voter examination system would even allow us to eliminate voting age laws. If three-year-old prodigies can demonstrate competence, let them vote! We might even see companies like the Princeton Review (a company which offers classes to improve college entrance exam scores in the US) offering classes to help citizens pass the exam.

So at this point, I think I have provided a basis for deciding whether restricted suffrage or universal suffrage is more intrinsically unjust. My argument is this:

1. Both (a) voting age laws and (b) a policy of enforcing decisions made by incompetent or unreasonable juries are intrinsically unjust, but (b) is more unjust than (a)

2. Restricting suffrage to those who can demonstrate competence would be about as unjust as (a)
3. Universal suffrage would be about as unjust as (b)
4. Therefore universal suffrage is more intrinsically unjust than restricted suffrage.

Restricted suffrage is about as unjust as voting age laws. It creates a ruling relationship between different classes of citizens based on a distinction which all reasonable people can accept in the abstract, but about which in practice there will be reasonable disagreement. In contrast, universal suffrage is about as unjust as a blanket policy of enforcing jury decisions, even when we have conclusive grounds in particular cases for thinking the jurors were incompetent or made their decisions incompetently. Thus universal suffrage appears to be more intrinsically unjust than restricted suffrage.

One might object that voter exams, even if done properly, would have some predictably unhappy effects. For instance, it might be that members of certain disadvantaged and historically oppressed minority ethnic groups would disproportionately be disqualified by any such exam. However, if so, this disqualification would *reflect* and *result from* an underlying injustice, but that does not mean that it would itself be unjust. In comparison, suppose we require that citizens must have medical degrees in order to be surgeons; but members of certain historically oppressed groups, thanks to their disadvantaged upbringing, fail to be in a position to attend medical school. If so, this would not make the law requiring a medical degree unjust. Instead, the injustice is that members of some groups are disadvantaged by past oppression.

I have been assuming, uncritically, that democracy passes the qualified acceptability requirement. However, it might instead be that the very objection I pose in this paper shows that democracy fails to pass the qualified acceptability requirement. My objection here might be a ‘qualified objection’ to democracy.¹⁰ (Estlund does not give us a theory of qualified objections, but this objection seems like a good candidate.) Estlund says democracies have authority and legitimacy, provided they make better than random decisions. Here I am posing an objection that political decisions must be made competently by competent people: it is not enough that they are better than random. So though this smacks of double-counting, perhaps democracy has two counts against it. The first count is that democracy with unconditional universal suffrage violates the competence principle, because it provides no guarantee that decisions will be competent, and holds that decisions are authoritative and legitimate even when made incompetently or

¹⁰ Thanks to an anonymous referee for suggesting this point.

by incompetent people. The second count is that by violating the competence principle, democracy also thereby violates the qualified acceptability requirement, because a qualified person can demand that democracy ought to pass the competence principle.

V. THE CONSEQUENCES OF RESTRICTED AND UNIVERSAL SUFFRAGE

I have argued that universal suffrage is intrinsically worse than restricted suffrage. However, both the competence principle and the qualified acceptability requirement seem to be (something like) necessary conditions for justice in the allocation of political power. But there is more to justice than the proper distribution of political power. At some point, perhaps, it is better to produce just outcomes in an unjust way than to produce unjust outcomes in a just way. Deciding between restricted and universal suffrage in practice requires examining their expected consequences. Which regime-type tends to produce better policies in actual practice?

Elite electoral systems are intended to eliminate lower-quality voters and thus improve the quality of decisions. It might thus seem straightforward that restricting suffrage should (in general) improve outcomes. Not so.

After all, real-world voter exams will be written by and overseen by real people, rather than perfectly competent moral angels. Real people often respond badly to bad incentives. In practice, the competence exam invites abuse and institutional capture. Competence exams might be used to disenfranchise people who might vote against the party in power. Special interest groups might fight to control the agency overseeing the exams. Even if the exam were fair and just in principle, it is unlikely to be administered in a perfectly fair and just way in practice. If a voter examination system is run very poorly, then restricted suffrage could produce even worse outcomes than universal suffrage. Even when a government legally guarantees that only the competent will have power, there is no guarantee that the legal guarantee will succeed.

On the other hand, citizens become incensed when they hear of schemes to disenfranchise voters. They even tend to assume that honest mistakes in vote counting result from elite conspiracies. Thus perhaps citizens will be more vigilant in overseeing voter exams than they are in overseeing other matters, and they might thus help prevent a voter exam from being too corrupt.

To some degree, we just do not know how badly voter examination systems would be run. To some degree, the political systems that could

most benefit from a well run system are the least likely to run a system well. (For example, I would trust Denmark more than Italy to produce a good examination system, but I think Italy needs it more.)

On the other hand, we have good studies on the pathologies of democracy decision-making under universal suffrage. Bryan Caplan argues that voters are systematically biased and systematically in error about which economic policies will promote their ends.¹¹ They are worse than ignorant about economics. They know less than nothing. Scott Althaus uses a different data set from Caplan's, but arrives at similar conclusions.¹² He argues that well informed citizens have political preferences systematically different from those of uninformed citizens. If Caplan and Althaus are correct, then voters in democracy do worse than random in selecting leaders and policies. Andrew Healy has produced a series of papers showing that voters in the US and elsewhere punish incumbent candidates for bad weather.¹³ Diana Mutz has shown that the citizens most active in politics tend to be (in my words, not hers) cartoon ideologues.¹⁴ Drew Westen has documented cases of serious motivated reasoning and irrationality among politically active citizens.¹⁵ And so on.¹⁶

I shall not here provide a full demonstration that political incompetence is widespread. This is a normative philosophy paper, not a work of social science. My goal is not to show what the facts are about voter performance, but to ask what we should do in the light of the facts, whatever they may be. Still, there is significant evidence that many voters are incompetent about politics. This is not surprising. As Thomas Christiano (himself an ardent democrat) says, 'It is hard to see how citizens can satisfy even moderate

¹¹ B. Caplan, 'Systematically Biased Beliefs about Economics: Robust Evidence of Judgmental Anomalies from the Survey of Americans and Economists on the Economy', *Economic Journal*, 112 (2002), pp. 1–26, and *The Myth of the Rational Voter* (Princeton UP, 2008).

¹² S. Althaus, *Collective Preferences in Democratic Politics: Opinion Surveys and the Will of the People* (Cambridge UP, 2003). Althaus statistically estimates the political preferences of an 'enlightened public', that is, a society which is demographically identical with the United States but in which all citizens have full objective political knowledge. Althaus concludes that the enlightened public has systematically different preferences from the real unenlightened public, whose preferences are not randomly distributed.

¹³ See, e.g., A. Healy and N. Mahotra, 'Random Events, Economic Losses, and Retrospective Voting: Implications for Democratic Competence', *Quarterly Journal of Political Science*, 5 (2010), pp. 193–208. See also J. Wolfers, 'Are Voters Rational? Evidence From Gubernatorial Elections' [2006], available at http://works.bepress.com/justin_wolfers/1.

¹⁴ See D. Mutz, *Hearing the Other Side* (Cambridge UP, 2006), pp. 30–5, 128.

¹⁵ D. Westen *et al.*, 'The Neural Basis of Motivated Reasoning', *Journal of Cognitive Neuroscience*, 18 (2006), pp. 1947–58.

¹⁶ See also D. Austen-Smith and W.H. Riker, 'Asymmetric Information and the Coherence of Legislation', *American Political Science Review*, 81 (1987), pp. 897–918; J. Zaller, *The Nature and Origins of Mass Opinion* (Cambridge UP, 1992); R.R. Lau and D.P. Redlawsk, 'Voting Correctly', *American Political Science Review*, 84 (1997), pp. 585–98.

standards for beliefs about how best to achieve their political aims'.¹⁷ This would require knowledge of 'an immense amount of social science' and 'of particular facts', knowledge which most citizens lack. For citizens to acquire this knowledge would require them to abandon the division of labour in society, so that they could all become political scientists, sociologists and economists.

The success of the argument for restricted suffrage depends in part on an empirical question, which I am not able to answer. We can study how badly voters behave, and thus determine *potential* improvements a voter examination system could produce. But we have to speculate as to what the *actual* improvements would be, because we are not sure how well voter examination systems, or any other attempts to restrict the incompetent and unreasonable from holding power, will work.

We do not know for sure whether voter examination systems would produce better or worse results than democracy with universal suffrage. However, as I have argued, such systems are less intrinsically unjust than democracies with universal suffrage. There are good reasons to think they will produce better results than democracy with universal suffrage, though there are reasons to worry that they will not. Since we are unsure of the consequences, but have reason to expect them to be positive, we might *experiment* with voter examination systems on a relatively small scale at first. For instance, perhaps it would be best if one state in the US tried the system first. (It would, I think, be better to start with a relatively non-corrupt state, such as New Hampshire, rather than a corrupt state, such as Rhode Island.) If the experiment succeeds, then the rules could be scaled up. A few hundred years ago, after all, people had little experience with democracy. Some advocated democracy in part because they believed it would tend to produce better and more just outcomes than monarchy. Others worried that democracies would be even more corrupt, or would collapse into chaos. In the light of their lack of experience, a democrat might reasonably have argued in favour of experimenting with democracy on a relatively small scale, and then scaling up if the experiment succeeds.

There are some arguments against even undertaking small-scale experiments. For instance, a democrat might invoke a strong form of Burkean conservatism. Edmund Burke's warning was that it is risky to attempt to remake society on the basis of philosophical fancies. Society is complex, more complex than simple theories can handle, and plans can have deleterious unintended consequences. In contrast, Burke claims, there is a presumption in favour of pre-existing social institutions. Though these

¹⁷ T. Christiano, 'Democracy', in E.N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (2006), <http://plato.stanford.edu/entries/democracy>.

institutions may seem unjust and imperfect upon philosophical reflection, they at least have a history of working. Existing legal and political institutions have evolved over generations – they have, in effect, adapted. Just as we should be wary of interfering with an ecosystem, the Burkean conservative thinks we should be wary of replacing existing political systems. Burkean conservatism holds that experimentation with new forms of government is dangerous.

Of course, Burke was worried about remaking society from the ground up, all at once. He was not against attempting small improvements here and there. He would tend to favour the idea of experimenting, starting small, and moving successes upwards in scale.

VI. SUMMARY AND CONCLUSION

Democracy has done people a lot of good. The best governments there are, right now, are all democratic with universal adult suffrage. This does not mean that democracy is perfectly just, or that nobody could do even better. Democracy has some deeply objectionable features – in particular, that it often imposes (through force) policies upon innocent people as the result of incompetently made decisions.

In any realistic form, democracy violates the competence principle, whereas epistocracy violates the qualified acceptability requirement (or at least I am granting that it does so for the sake of argument). Both democracy and epistocracy are thus unjust in practice. However, if we violate the qualified acceptability requirement, we can probably expect overall better consequences (including more just policies) than if we violate the competence principle. The way in which democracy violates the competence principle is inherently more objectionable than the way in which epistocracy violates the qualified acceptability requirement. If so, then if we had to choose between democracy with universal suffrage or a semi-democratic epistocracy with restricted suffrage, we should choose the latter.

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